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Supreme Court, U. S.
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IN THE SUPREME COURT OF THE UNITED STATES

JAMES L. BUCKLEY, *et al*,
Plaintiffs,

JAMES CALAWAY,
Intervening Plaintiff,

-vs-

FRANCIS R. VALEO, *et al*,
Defendants,

CENTER FOR PUBLIC FINANCING OF ELECTIONS, *et al*,
Intervening Defendants.

Civil Action
No. 75-1061

BRIEF OF THE COMMITTEE FOR DEMOCRATIC ELECTION LAWS, AMICUS CURIAE

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INTEREST OF AMICUS CURIAE

The Committee for Democratic Election Laws (CoDEL) represents a broad cross section of citizens concerned with election laws which impede the democratic process. CoDEL's activities include providing a legal presentation in cases challenging such election laws; providing a voice for its constituents before legislatures concerning laws dealing with the electoral process and in providing information regarding a variety of issues touching on the electoral process, such as efforts to obtain bilingual ballots and to facilitate voter registration.

CoDEL believes that provisions of the Federal Election Campaign Act of 1971 and the Amendments of 1974 burden the First, Fourth, Fifth, and Ninth Amendment rights of the Plaintiffs in this action, of candidates and supporters of small parties and of independent candidates. In addition, the effect of the Act is to institutionalize the two major parties and block access to the electoral process on the part of third parties and independent candidates.

SUMMARY OF ARGUMENT

I.

The Federal Election Campaign Act, hereinafter referred to as the Act or FECA, presents two fundamentally different and separable approaches to the problem of controlling election campaign abuses.

The first approach is a series of regulations controlling the financing of federal election campaigns. This approach consists of limits on contributions to a campaign and on expenditures of a campaign coupled with requirements for reporting and disclosing certain contributions and expenditures.

The second approach is public funding of presidential campaigns.

The rationale for such sweeping regulation of campaigns is the federal government's interest in preserving the integrity of the electoral process.

Amicus Curiae contends that in judging the constitutionality of the challenged legislation, this important governmental interest must be narrowly construed as an interest in preventing the outright corruption of candidates and officials; further that there is no legitimate governmental interest in limiting the influence of wealth in election campaigns. Unlike elections, i.e. voting, campaigns are pure speech. The inequalities in exercising First Amendment rights which flow from inequalities in wealth are beyond the reach of the federal government.

Viewed from this perspective, the Sections of the Act regulating the private financing of federal election campaigns are overbroad in that they are not narrowly drawn to prevent the evil with which Congress is properly concerned. Such regulations represent significant burdens and limitations on First Amendment activity, especially with regard to minor parties, without any reference to the possibility that such activity might corrupt public officials.

The reporting and disclosure requirements are equally overbroad. The reporting requirements constitute a significant strain on the time and money available to minor parties. The disclosure requirements will present a real danger that the right of association will be chilled for all those who hold unpopular views. Again, such burdens are inflicted without regard to any possibility that the regulated activity will corrupt public officials.

II.

The FECA taken as a whole, and the public financing provisions in particular, are an unconstitutional intrusion by the federal government into the arena of public debate. The Act will significantly alter the advantages and disadvantages that various parties may have in federal election campaigns. The Constitution forbids the federal government from taking such a role in public debates. Further,

contrary to the purported intention of the Act, the public financing sections and the regulations on private financing further disadvantage those candidates not possessed of great wealth and therefore constitute an unconstitutional burden on the right to contend for public office.

ARGUMENT

I.

THE FEDERAL GOVERNMENT'S INTEREST IN PREVENTING THE CORRUPTION OF THE ELECTORAL PROCESS IS NARROWLY LIMITED BY THE FIRST AMENDMENT.

The FECA poses a fundamental issue regarding the First Amendment and elections. In its most basic terms, the issue is the relationship between free speech and money.

The Court of Appeals in deciding that the Act was constitutional, found that Congress had acted to protect the electoral process from the undue influence of wealth.

The Court adopted the observation that great wealth had the power to "unduly influence politics, an influence not stopping short of corruption." Slip opinion p. 1511

It is obvious that no First Amendment issues are raised by the use of money to bribe public officials. The distinction between legitimate partisan political activity and bribery is not so obscure as to escape common understanding. *U. S.* v *Harriss*, 347 U.S. 612, 74 S. Ct. 808, 98 L. Ed. 989.

The difficulty in terms of First Amendment freedoms arises when the undue influence of wealth does stop short of corruption.

The approach of the FECA is not to ban political activity, but to limit the amount of such activity in an effort to equalize the opportunity for such activity. The FECA purports to eliminate the undue influence of wealth by "limiting" the amount of money contributed to or spent by candidates in federal election campaigns.

Because of the necessary connections between money and political activity, limiting the influence of wealth must necessarily involve limiting political activity.

Because of this inevitable conflict with First Amendment activity, we are faced with a threshold question. Can the federal government regulate First Amendment activity so as to reduce the influence of wealth.

This issue should not be confused with cases in which the limitation on First Amendment activity results from a fee or costs imposed by the government. There can be no doubt that the government cannot so limit First Amendment activity. *Harper* v *Virginia Board of Elections,* 383 U.S. 663, 86 S. Ct. 1079, 16 L. Ed. 2d 169; *Bullock* v *Carter,* 405 U.S. 134, 92 S. Ct. 849, 31 L. Ed. 2d 92; *Grosjean* v *American Press,* 297 U.S. 233, 56 S. Ct. 444, 80 L. Ed. 660 (1936).

Here we are confronted with an attempt by government to correct the limitations on First Amendment activity which result from the market costs of such activity and the unequal access to various media of communications due to disparities in wealth.

Aside from election campaigns, the most important medium of ideas in this country are newspapers and television. Because the airways are public and broadcasters are licensed, television is not analogous to election campaigns.

Newspapers clearly represent a case where the wealthy have undue influence on election campaigns. Yet that impact may not be limited. *Mills* v *Alabama,* 384 U.S. 214, 86 S. Ct. 1434, 16 L. Ed. 2d 484 (1966). Recognizing the limited access to this powerful medium of all but the very wealthy, this Court considered a very limited compulsory access statute enacted by the Florida legislature in *Miami Herald Publishing Co.* v *Tornillo,* 418 U.S. 241, 94 S. Ct. 2831, 41 L. Ed. 2d 730 (1974). The statute in *Tornillo* allowed a candidate for public office to reply to newspaper attacks on his character or record. Thus, *Tornillo* presented a classic case of protecting the integrity of the political process from the undue influence of wealth.

Without regard to the benefits from such legislation, the Court found that the First Amendment prohibited the government from enforcing such an "access" law.

As the Court observed;

> "It has yet to be demonstrated how governmental regulation of this crucial process can be exercised consistent with First Amendment guarantees of a free press as they have evolved to this time." U.S. at p. ...., S. Ct. at p. 2840.

Given the fact that our society is marked by great disparities in wealth, and that wealth is often a prerequisite to the effective exercising of First Amendment rights, we are necessarily confronted with a dilemma. Shall we bear the social costs of having First Amendment rights unequally distributed accordiing to wealth, or shall we have governmental regulation of the exercise of those rights in order to redress this inequality. Needless to say there is no precedent for such regulation. Moreover, the First Amendment forbids "*governmental* restraint from the arena of public discussion." *Cohen* v *Calif.,* 403 U.S. 15, 29 L. Ed. 2d 384 (1971), 91 S. Ct. 1780, 1787, 88 (emphasis added).

In simple terms, our system of government opts for the costs which comes from foregoing government regulation of speech as being less costly than allowing the government a role in regulating First Amendment Activities.

Therefore, it is the contention of this brief that the proper concern of the government is with that undue influence of wealth that does *not* stop short of corruption.

As a corollory, the various sections of the FECA must bear a direct relation to the prevention of such corruption, if they are to be constitutional.

The cases of *Burroughs & Cannon* v *U.S.,* 290 U.S. 534, 54 S. Ct. 287, 78 L. Ed. 484 (1934); *U.S.* v *Harriss,* 347 U.S. 612, 74 S. Ct. 808, 98 L. Ed. 989; *U.S.* v *UAW,* 352 U.S. 567, 77 S. Ct. 529, 1 L. Ed. 2d 563, relied on by lower Court cannot be construed to broaden the government's legitimate interest in preventing corruption into a generalized interest to limit the influence of wealth on the political process.

Burroughs, supra, was concerned with the reporting and disclosure provisions of the Corrupt Practices Act. That act was challenged on the grounds that control of elections was vested in the states. The Supreme Court held that the

federal government's interest in preserving the integrity of the electoral process created a basis for regulating campaigns.

However, the Court narrowly defined the federal government's interest to protecting the electoral process from "violence" and "corruption," *supra,* U.S. p. 546, S. Ct. p. .....

Nor did the Court in *Burroughs* decide whether or not the disclosure laws violated the First Amendment.

In *Harriss, supra,* the Court took pains to restrict the act requiring registration of lobbyists so as to apply only to professional lobbyists dealing directly with legislators. As a result the Court avoided a governmental invasion of the First Amendment right to petition Congress. The Court found that there was a difference between petitioning Congress and the activity of professional lobbyists and that whereas Congress had a right to inquire into the sponsorship of the latter, Congress could not make similar inquiries of nonprofessional lobbying efforts even if such efforts were generously financed.

The lower Court's reliance on *U.S.* v *UAW* is misplaced. The UAW had been indicted for violating the Corrupt Practices Act by sponsoring a television broadcast designed to influence an election. The District Court held that the indictment failed to state an offense under the Statute.

Justice Frankfurter who wrote the opinion for the Court analyzed the legislative history of this law. The purpose of the analysis was to determine whether or not it covered the actions charged in the indictment.

The Court found that the purpose of the act was to "avoid the deleterious influences on federal elections resulting from the use of money by those who exercise control over large aggregations of wealth," *U.S.* v *UAW, supra,* U.S. p. 585, S. Ct. p. 538. The Court having found the indictment proper, the case was remanded for trial.

However, the Court specifically refused to rule whether or not Congress could constitutionally pass such legislation. *Supra,* U.S. p. 591, S. Ct. p. 541.

The wisdom of restricting the province of the federal government to protecting the political process from corruption as opposed to the "undue influence" of wealth was best expressed by Justice Rutledge, concurring in *U.S.* v *CIO,* 335 U.S. 106, 68 S. Ct. 1349, 92 L. Ed. 1849:

> The Government stresses the "undue influence" of unions in making expenditures by way of publication in support of or against candidates and political issues involved in the campaign rather than corruption in the gross sense. It maintains that large expenditures by unions in publicizing their official political views bring about an undue, that is supposedly disproportionate, sway of electoral sentiment and official attitudes. In short, the "bloc" power of unions has become too great, in influencing both the electorate and public officials, to permit further expenditures of their funds in directly and openly publicizing their political views. And the asserted evil is to be uprooted by prohibition of union expenditures as such, not by regulation specifically drawn to meet it.
>
> There are, of course, obvious differences between such evils and those arising from the grosser forms of assistance more usually associated with secrecy, bribery and corruption, direct or subtle. But it is not necessary to stop to point these out or discuss them, except to say that any asserted beneficial tendency of restrictions upon expenditures for publicizing political views, whether of a group or of an individual, is certainly counterbalanced to some extent by the loss for democratic processes resulting from the restrictions upon free and full public discussion. The claimed evil is not one unmixed with good. And its suppression destroys the good with the bad unless precise measures are taken to prevent this.
>
> The expression of bloc sentiment is and always has been an integral part of our democratic electoral and legislative processes. They could hardly go on without it. U.S. p. 143, S. Ct. pp. 1367, 1368.

II.

THE FEDERAL ELECTION CAMPAIGN ACT IS OVERBROAD IN THAT IT SUBSTANTIALLY BURDENS POLITICAL ACTIVITY REGARDLESS OF ITS POSSIBILITY OF CORRUPTING PUBLIC OFFICIALS.

Amicus contends that there is a definite and easily discernible difference between payments to a candidate or official in exchange for a specific consideration and contributions which further a candidate's campaign. The former is a bribe, the latter a political contribution. The fact that the political contributions (and votes) are frequently given for venal reasons instead of altruistic ones does not obscure the difference.

If indeed, the line between these two phenomenon is too vague to discern, then we cannot say that anyone has been properly convicted of bribing a public official. Nor does the difficulty of proving *scienter* in the cases of bribery obliterate the basic differences which exist between the two.

As argued above, the government has a legitimate interest in preventing bribery.

It has also been conceded that the FECA prescribes a significant scheme of limitations, regulations and public financing of the public debate called election campaigns.

Keeping the obvious in mind, the question is whether or not the FECA is

> ". . . narrowly drawn to meet the precise evil the legislature seeks to curb . . .
>
> If the evil is taken to be the corruption of national elections and federal officials by the expenditure of large masses of aggregated wealth in their behalf, the statute is neither so phrased nor so limited . . ."
>
> J. Rutledge concurring in *U.S.* v *CIO, supra,* U.S. pp. 141, 142, S. Ct. p. 1367.

The FECA does not limit contributions made in order to "buy" a public official, but limits contributions of every-

one, limits expenditures of all individuals, political committees, and candidates. Such limits are enacted without regard to the purpose for which the money is spent, nor to the context in which it is spent.

Similarly, the FECA imposes a reporting requirement on all contributions over ten dollars ($10.00) and a disclosure requirement on all contributions over one hundred dollars ($100.00) without regard to the purpose for or the context of such contribution.

Surely we are not to assume that all such contributions and expenditures are made for "corrupt" reasons, nor that all contributions and expenditures have the potential for corrupting the political process.

Nor can we deny that such limitations have a necessary effect of limiting the speech and organized political activity that such money makes possible.

In this regard the FECA is constitutionally defective for the same reasons that the Supreme Court struck down the subject Legislation in *U.S.* v *Robel,* 389 U.S. 258, 88 S. Ct. 419, 19 L. Ed. 2d 508 (1967). In *Robel,* the legislation in question made it illegal to work in any defense facility while belonging to a communist-action organization. There the right abridged was the right to belong to a political association. Membership was not forbidden, but was burdened by the subject job restriction. The government's right to protect defense plants against sabotage and espionage was recognized as being of fundamental importance. The act was declared unconstitutional because it was not based on a finding that the burdened association was related to the threat feared by the government.

> "(The) statute casts its net across a broad range of associational activity, indiscriminately trapping membership which can be constitutionally punished and membership which cannot be so proscribed . . . Thus (the Act) contains the fatal defect of overbreadth because it seeks to bar employment both for association which may be prescribed and for association which may not be proscribed consistently with First Amendment rights." *Supra,* S. Ct. pp. 424-425, U.S. pp. 265-266.

Similarly, the FECA proscribes contributions and expenditures which could be proscribed (bribes) and those which present no danger whatsoever of corruption.

It has been suggested that although the FECA reaches innocent behavior in its attempt to control illegal behavior, its impact on the First Amendment rights involved in that innocent behavior is incidental.

> ". . . We are not concerned with a ban on political activity, but with a limitation on amount, without any discrimination based on party or orientation of speech or activity." Slip op p. 1518.

Of course the alleged non-partisan character of the limitation would be completely irrelevant even if it were true. The First Amendment doesn't give the government power to infringe freedom of speech so long as it does so equally. Based on this criteria the complete silencing of criticism from anyone would be constitutional.

Obviously the salient consideration is the scope of the limitation and not its purported non-partisan character.

The limitation involved can be characterized as a limitation on the right to engage in political campaigns either as an individual or in a political party. The limitation arises from the burdens and limitations that the Act creates in financing that activity. Just as Congress has recognized the evils of money, so we must also recognize the necessity of money.

The limitations resulting from this act are especially heavy on independent candidates, poor candidates, new parties and minor parties.

(Precisely those categories of individuals who represent the most remote and hypothetical danger of corrupting the political process by campaigning for office.)

Once more we want to reiterate that it is of no moment that the burdens placed on the minor candidates are shared by major candidates. The burden to a minor party is no less a burden because a major party may be able to overcome an even greater burden.

More specifically some of the burdens and limitations on political activity resulting from the FECA are:

a. The costs of reporting all contributors of amounts over ten dollars ($10) can be substantial because of the need for the professional services of lawyers and accountants.

b. The disclosure of the identities of all contributors of amounts in excess of one hundred dollars ($100) will burden the effort to collect funds necessary to finance a campaign. (discussed below)

c. The one thousand dollar ($1000) limit on contributions require a greater numerical number of supporters in order to launch a campaign. (There is no requirement in the Constitution that political activity is permitted only to those persons who are popular)

d. The limit on expenditure of individuals cuts off that person's free speech at an arbitrary figure of One thousand dollars ($1000).

e. The one thousand dollar ($1000) limit on contributions restricts an individual's political activity regardless of his intention to corrupt public officials or the political process.

f. The limit on expenditure is most likely to limit debate at its crucial point, the eve of the election.

These limits and burdens, with regard to all candidates, are significant. To new parties and minor parties they may be fatal. The combination of disclosure, the costs of reporting, and the limitation on the contributions of a few wealthy supporters could mean that the minor parties will not be able to launch a campaign.

However, even if they do overcome such hurdles, their First Amendment activity will be seriously curtailed by their increased costs and decreased revenue. Their activity will be so curtailed without regard to whether or not such First Amendment activity bears any relationship to the danger Congress should to prevent. Thus the FECA is overbroad. *Cohen* v *Calif.*, 403 U.S. 15, 91 S. Ct. 1780, 29 L. Ed. 2d 284 (1971), *Branderberg* v *Ohio*, 395 U.S. 444, 89 S. Ct. 1827, 23 L. Ed. 2d 430 (1969), *U.S.* v *Robel, supra.*

III.

PUBLIC FINANCING OF POLITICAL CAMPAIGNS IS FORBIDDEN BY THE FIRST AMENDMENT.

The First Amendment forbids governmental involvement in the arena of public discussion.

> "The Constitutional right of free expression . . . is designed . . . to remove governmental restraint from the arena of public discussion." *Cohen* v *Calif., supra,* U.S. p. 24, S. Ct. at 1787, 1788.

Just as the government cannot tax nor license First Amendment freedom, *Grosjean* v *American Press Co.,* 297 U.S. 233, 56 S. Ct. 444, 80 L. Ed. 660 (1936), the federal government cannot establish franchises for the exercise of First Amendment rights.

Regardless of the criteria established for the distribution of these funds, the fact remains that the government will give millions of dollars to some candidates and not to others. The fact that the recipients have proven themselves more popular is no justification for this governmental involvement in the arena of free speech.

When the government sponsors certain ideas or candidates, it infringes the rights of opposing ideas or candidates by disadvantaging them in the market place of idea. The fact that non-governmental wealth creates similar advantages does not minimize the First Amendment's injunction against such governmental interference.

Not only does public funding give certain candidates an advantage over others to the tune of several million dollars, but the contribution limitations contain similar inequalities.

The fact that a wealthy person can give up to $25,000 to himself, means that a wealthy candidate has a substantial headstart over his less fortunate rivals. The fact that private forces lead to the same result is no justification for a governmental scheme which makes it easier for the wealthy to run than the unwealthy.

Similarly, the one thousand dollar ($1,000) limit on contribution will mean different things to different candidates. For the candidates with the support of the wealthy minority, it will mean that he will have to increase the number of his contributors x number of times. For the candidate with few wealthy supporters, it will mean that the money lost from his few wealthy contributors may have to be made up by one hundred times x number of contributors.

What substantial governmental interest can justify this intrusion in the area of First Amendment activity?

Public financing which rewards the popular has no direct relation to preventing corruption.

Aside from the cynical prediction that popular candidates will be corrupted and therefore must be bribed by the public so as to prevent them from taking private bribes, there is nothing but a hope that such funding will curb corruption.

Against such fond hopes lies the inescapable conclusion that public funding gives an advantage to certain candidates over others. This intrusion in the arena of public debate is unconstitutional regardless of how the fortunate candidate is chosen or how beneficient was the motive of Congress in passing such legislation.

In short, public funding increases the hegemony of the Republican and Democratic parties. The importance of new, third or minor parties to our democratic system has been repeatedly recognized. *Sweezey* v *New Hampshire,* 354 U.S. 234, 77 S. Ct. 1203, 1 L. Ed. 2d 1311 (1957), *Williams* v *Rhodes,* 393 U.S. 23, 89 S. Ct. 5, 21 L. Ed. 2d 24; *Jeness* v *Fortson,* 403 U.S. 437, 91 S. Ct. 1970, 29 L. Ed. 2d 554.

Moreover, their right to contend for power is guaranteed by the First Amendment.

A monopoly of two parties is still a monopoly.

Nor does the fact that the Act does not forbid or ban third-parties answer the challenge to the act. The government cannot intervene and give an advantage to one party over another in their competition for votes. The ban on such governmental interference is complete and it does not matter how "non-partisan" the government is in deciding who is the beneficiary of public funds. It is not the process of allocating public funds which is here in question,

it is the necessary and inevitable result of such allocation which involves the government in aiding one (or two) parties against their challengers.

Cases limiting access to the ballot are not analogous to public funding. Government printing of the ballot is a duty imposed on it by Art I, §4(1) of the Constitution. It follows that it has a duty to make the ballot comprehensible to the voter.

The government has no duty to finance political campaigns. The connection between such financing and a legitimate governmental interest is remote and speculative. The impact of such funding on the competition for voter allegiance is immediate and substantial.

Thus, the public financing sections of the FECA are unconstitutional.

When the public funding provisions are viewed in the totality of the legislative scheme of the FECA, we see that they represent the very danger the Court was concerned with in *Miami Herald* v *Tornillo, supra*:

> "It has yet to be demonstrated how governmental regulation of this crucial process can be exercised consistent with the First Amendment . . ."

IV.

THE DISCLOSURE REQUIREMENT IS OVERBROAD IN THAT IT SUBSTANTIALLY CHILLS THE FIRST AMENDMENT RIGHT OF ASSOCIATION WITHOUT REGARD TO THE POSSIBILITY THAT SUCH ACTIVITY WILL CORRUPT PUBLIC OFFICIALS.

The FECA requires all contributions over one hundred dollars ($100) to be disclosed. The Act makes no exceptions for cases where the contribution goes to a candidate who has little chance of winning. Nor does the Act distinguish between the contributions of wage earners and those of corporate executives.

While it is true that the probability of the disclosure requirement having a chilling effect and the degree of such

effect will depend on the situation of the individual contributor and the popularity or unpopularity of the candidate receiving the contribution, it is inescapable that the disclosure requirement will have a wide reaching chilling effect in light of its scope.

Further, regardless of whatever chilling effect it has, the disclosure requirement represents a new and precedent setting invasion of privacy by the federal government. The disclosure requirement is so broad and applies to so many contributions, that it is tantamount to allowing the federal government to register all persons who wish to be politically active. For all of the reasons expressed in *U.S.* v *Robel, supra,* the disclosure provisions are overbroad.

Nor is the case of *Burroughs and Cannon* v *U.S., supra,* authority for the constitutionality of such a broad disclosure law. The Court in *Burroughs* was clearly not faced with a First Amendment challenge to the disclosure requirement of Corrupt Practices Act and did not decide the First Amendment issue.

With regard to the question of whether or not the Court should consider the chilling effect of the disclosure section on minor parties in the absence of such party's participation in this case, *Amicus Curiae* relies on and cites to this Court the dissent of Justice Bazelon to the opinion of the Court of Appeals on this point.

Not only is the disclosure section overbroad in its sweeping effect, but it has been proven historically to be an inadequate and ineffective tool for preventing corruption.

The lower Court has used this record of ineffectiveness as a rationale for supporting more sweeping regulations. (Slip op p. 1519)

Normally, we would agree that the choice of means to achieve a legitimate governmental purpose is a legislative function. However, in the area of the First Amendment, the Court must use its scrutiny to determine if the means are "narrowly related" to the purpose.

The lower Court's opinion amounts to the proposition that if a minor restriction of First Amendment right is effective, wholesale restrictions are justified.

This rationale is not only destructive of the Constitutional limitations on governmental interference in the public debate, but is not supported by history or logic.

The other aspect of the failure of reporting requirements to stem corruption, is the success of our democratic institutions to limit and uncover corruption when it has occurred.

The least drastic means to insure political integrity envisioned by the Constitution is to allow the challengers to those in political office to have free reign to mount their challenge.

The best method of preventing corruption is the close scrutiny of official action. The most careful detectives in this process are often political opponents.

The federal government has no interest in restricting or burdening the political activity of political opponents in favor of a committee appointed by incumbents.

When the federal government becomes the watchdog of the integrity of political process instead of the citizenry performing that process, the First Amendment has been turned upside down and should be amended to read:

> Congress shall make adequate laws respecting freedom of speech, of the press, the right of people peaceably to assemble, and to petition the Government for a redress of grievances, so as to protect the people from being deceived by corrupt politicians.

To proceed in such a fashion is to grant Congress a trust which the framers of the Constitution warned against; making the Congress the guardian of our political freedoms is to trust the wolf to guard the sheep.

CONCLUSION

CoDEL urges that the Federal Election Campaign Act's regulation of the private financing of election campaigns be declared to be an unconstitutionally overbroad regulation of legitimate political activity;

That the public financing provisions be declared to be an unconstitutional intrusion by the federal government into the public debate; and

That the disclosure requirements be declared an unconstitutional abridgement of the freedom of association.

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